

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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CAROLYN SITT, individually on behalf of herself and :	:	
all others similarly situated,	:	
	:	15-cv-4199-MKB-MDG
Plaintiff,	:	
	:	
v.	:	
	:	
NATURE’S BOUNTY, INC., NBTY, INC.,	:	
	:	
Defendants.	:	
	:	
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DEFENDANTS’ NOTICE OF MOTION TO DISMISS PLAINTIFF’S COMPLAINT

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants Nature’s Bounty, Inc., and NBTY, Inc.’s (“Defendants”) Motion to Dismiss Plaintiff’s Complaint, dated December 1, 2015, the Declaration of Desiree M. Ripo in Support of Defendants’ Motion to Dismiss Plaintiff’s Complaint, dated December 1, 2015, and the exhibits annexed thereto, the pleadings, all prior proceedings before this Court, and oral argument on a date and at a time to be designated by the Court, Defendants, by and through the undersigned counsel of record, move this Court, before the Honorable Margo K. Brodie, United States District Judge for the Eastern District of New York, at the Courthouse located at 225 Cadman Plaza East, Brooklyn, New York 11201, at a date and time to be determined by the Court, for an order dismissing all claims against Defendants under Federal Rules of Civil Procedure 12(b)(1), 12(b)(6) and 9(b), and for such other relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the briefing schedule set by the Court at the October 29, 2015 pre-motion conference, Plaintiff's response to this motion is due no later than December 30, 2015.

Dated: New York, New York
December 1, 2015

Respectfully submitted,

WINSTON & STRAWN LLP

By: /s/ Amanda L. Groves

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